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**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

MBP-033XX

U.S. APPLICATION NO. (Unknown, see 37 CFR 1.5)

10/566201

INTERNATIONAL APPLICATION NO.  
PCT/EP2004/008405INTERNATIONAL FILING DATE  
27 July 2004PRIORITY DATE CLAIMED  
28 July 2003

## TITLE OF INVENTION

INDUCIBLE PROMOTERS FOR THE EXPRESSION OF PROTEINS IN PLANTS AND METHOD FOR DETECTING THEM

## APPLICANT(S) FOR DO/EO/US

Artur Pfitzner, Bernhard Roth

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3.  This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2)) in English
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau. Published Appln. No. WO 2005/014829
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto.
  - b.  had been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached herewith (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98. (with attached copy of International Search Report)
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825. (with attached Sequence Submission Letter and paper copy of the Sequence Listing)
18.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20.  Other items or information: Cover sheet of published application No. PCT/EP2004/008405 (WO 2005/014829)

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Number

EV 559914302 US

U.S. APPLICATION NO. (Unknown, See 37 CFR 1.5) <b>1075000201</b>	INTERNATIONAL APPLICATION NO <b>PCT/EP2004/008405</b>	ATTORNEY'S DOCKET NUMBER <b>MBP-033XX</b>	
The following fees have been submitted:		CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee..... \$300.00			
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$100.00 All other situations ..... \$200.00		\$ 200.00	
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100.00 International Search Report prepared and provided to the Office ..... \$400.00 All other situations ..... \$500.00		\$ 400.00	
<b>TOTAL OF 21, 22 and 23 =</b>		\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
- 100 =	/ 50 =		<b>X \$250.00</b>
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).		\$ 0	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	32	- 20 = 12	<b>X \$ 50.00</b>
Independent claims	2	- 3 =	<b>X \$200.00</b>
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360.00	\$ 0
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$1,500.00	
<input checked="" type="checkbox"/> <u>Applicant claims small entity status</u> . See 37 CFR 1.27. Fees above are reduced by ½.		\$ 750.00	
		<b>SUBTOTAL =</b>	\$ 750.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).		\$ 0	
		<b>TOTAL NATIONAL FEE =</b>	\$ 750.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+ \$ -	
		<b>TOTAL FEES ENCLOSED =</b>	\$ 750.00
		Amount to be Refunded:	\$
		Amount to be Charged:	\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 750.00 to cover the above fees, except assignment recordation, is enclosed. A check in the amount of \$ _____ is enclosed for the assignment recordation fee.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Deposit Account No. <u>23-0804</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>			
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.			
SEND ALL CORRESPONDENCE TO:		which is associated with the Law Firm of:	
<input checked="" type="checkbox"/> Customer Number 00207		WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP Ten Post Office Square Boston, Massachusetts 02109 United States Telephone: (617) 542-2290 Fax: (617) 451-0313	
Attorney Signature: 		Date: <u>1-27-06</u>	
Attorney Name: <u>Charles L. Gagnebin III</u>		Registration No: <u>25,467</u>	